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10/015,280	12/12/2001	Michael Wayne Brown	AUS920010823US1	7043
34533 7590 04/03/2007 INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469			EXAMINER ELAHEE, MD S	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/015,280  
Filing Date: December 12, 2001  
Appellant(s): BROWN ET AL.

**MAILED**

**APR 03 2007**

**Technology Center 2600**

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H. Artoush Ohanian  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed November 17, 2006 appealing from the Office action mailed March 11, 2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) Status of Claims**

The statement of the status of the claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 1-30 and 35-39.

Claims 31-34 were cancelled according to amendment filed 07/10/2003.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

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**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

6,678,359	Gallick	01-2004
6,167,119	Bartholomew et al.	12-2000
6,101,242	McAllister et al.	08-2000
2002/0058494	Timonen et al.	05-2002
5,533,109	Baker	07-1996

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

1. Claims 1, 4, 5, 7, 8, 10-12, 15, 16, 18, 19, 21-23, 26, 27, 29, 30 and 35-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Gallick (U.S. Patent No. 6,678,359).

Regarding claim 1, Gallick teaches detecting, at a called facility such as VoIP softphone 141, Fig.1 [i.e. destination device], a first utterance [i.e., voice utterance] of an answering party at 141 [i.e., callee] (fig.1, fig.2b; col.1, line 50- col.2, line 11, col.3, lines 64-67, col.6, lines 3-14, 51-56).

Gallick further teaches identifying, at the called facility [i.e. destination device], an answering party [i.e., callee] identity associated with the first utterance [i.e., voice utterance], such that the answering party [i.e., callee] identity is transmittable as an authenticated identity of the answering party [i.e., callee] for a call (col.3, lines 64-67, col.6, lines 3-14, 51-56).

Regarding claims 4, 15 and 26, Gallick teaches extracting speech sample [i.e., speech characteristics] from the first utterance (col.2, lines 9-11, col.6, lines 3-14).

Gallick further teaches analyzing the speech sample [i.e., comparing the speech information to stored pattern information] for identifying plurality of answering parties [i.e., callees] (col.2, lines 9-11, col.3, lines 26-43, col.6, lines 3-14).

Regarding claims 5, 16 and 27, Gallick teaches transmitting the first utterance to a server [i.e., third party device] via a network (fig.1; col.6, lines 11-18).

Gallick teaches receiving the answering party identity from the server (col.6, lines 11-18).

Regarding claims 7, 18 and 29, Gallick teaches transferring the answering party identity to a caller terminal [i.e., origin device], wherein the origin device is enabled to output the answering party identity to a caller, wherein the caller is enabled to select whether to communicate with the answering party identity (col.3, lines 7-26, 64-67, col.4, lines 4-25, 32-39, col.6, lines 14-20).

Regarding claims 8, 19 and 30, Gallick teaches receiving a preferred answering party selection from a caller at the called facility (col.4, lines 32-39).

Gallick further teaches inherently terminating the call if the answering party identity is different than the preferred answering party.

Regarding claims 10 and 21, Gallick teaches that the called facility is a softphone [i.e., telephony device] (fig.1; col.2, lines 38-40).

Regarding claims 11 and 22, Gallick teaches that the answering party identity comprises at least one from among an answering party name, an answering party location, a subject of the call, and a device identification (col.4, lines 4-25, col.6, lines 3-20).

Claim 12 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Gallick teaches a called facility [i.e. destination device] enabled to receive a call (col.1, line 50- col.2, line 11, col.6, lines 3-14, 51-56).

Claim 23 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Gallick teaches database [i.e., recording medium] (col.4, lines 40-65).

Regarding claim 35, Gallick teaches detecting, a first utterance [i.e., biometric input] at a called facility [i.e. biometric enabled destination device] (fig.1, fig.2b; col.1, line 50- col.2, line 11, col.3, lines 64-67, col.6, lines 3-14, 51-56).

Gallick further teaches identifying an answering party identity associated with the first utterance at the called facility [i.e. destination device], such that the answering party identity is transmittable as an identity [i.e., authenticated identity] of the answering party for a telephone call (col.3, lines 64-67, col.6, lines 3-14, 51-56).

Regarding claims 36 and 38, Gallick teaches the first utterance comprises a voice input [i.e., at least one from among an eye print, a finger print, a voice input, and a body heat scan] (col.6, lines 3-14, 51-56).

Claim 37 is rejected for the same reasons as discussed above with respect to claim 35. Furthermore, Gallick teaches a called facility [i.e. biometric input enabled destination device] (fig.1; col.6, lines 3-14, 51-56).

Claim 39 is rejected for the same reasons as discussed above with respect to claims 23 and 35.

### ***Claim Rejections - 35 USC § 103***

2. Claims 2, 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) in view of Bartholomew et al. (U.S. Patent No. 6,167,119).

Gallick, as applied to claims 1, 12 and 23 above, differs from claims 2, 13 and 24, in that Gallick does not explicitly disclose “prompting said callee, from said destination device, to provide said voice utterance”. Bartholomew teaches instructing the answering party, from the IP 23 (i.e. ‘destination device’ includes telephone, central office, IP 23), to provide the input speech (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; ‘instructing’ reads on the claim



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'prompting', 'answering party' reads on the claim 'callee' and 'input speech' reads on the claim 'voice utterance'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow prompting the callee, from the destination device, to provide the voice utterance as taught by Bartholomew. The motivation for the modification is to have the prompt in order to provide the option to the called party to identify himself.

3. Claims 3, 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) in view of McAllister (U.S. Patent No. 6,101,242).

Gallick, as applied to claims 1, 12 and 23 above, differs from claims 3, 14 and 25, in that Gallick does not explicitly disclose "prompting said callee to enter an additional input to verify said callee identity". McAllister teaches prompting the called party for one or more repeat attempts (col.34, lines 1-61; 'called party' reads on the claim 'callee' and 'for one or more repeat attempts' reads on the claim 'enter an additional input to verify said callee identity'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow prompting the callee to enter an additional input as taught by McAllister. The motivation for the modification is to have the prompt in order to provide more information to verify identification of the called party.

4. Claims 6, 17 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) in view of Timonen et al. (U.S. Pub. No. 2002/0058494).

Gallick, as applied to claims 1, 12 and 23 above, differs from claims 6, 17 and 28, in that Gallick does not explicitly disclose “requesting a voice sample for said particular callee from a third party device accessible via a network”. Timonen teaches requesting the identification data for the particular party to a third party device via a network (fig.3; page 6, paragraphs 0055, 0056; ‘identification data’ reads on the claim ‘voice sample’ and ‘party’ reads on the claim ‘callee’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow requesting a voice sample for the particular callee from a third party device accessible via a network as taught by Timonen. The motivation for the modification is to do so in order to provide authentication of the party.

Gallick further does not explicitly disclose “receiving said voice sample for said particular callee for enabling authenticating of said callee identity”. Timonen teaches receiving the identification data for the particular party for enabling authenticating of the party identity (fig.3; page 6, paragraphs 0055, 0056; ‘identification data’ reads on the claim ‘voice sample’ and ‘party’ reads on the claim ‘callee’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow receiving the voice sample for the particular callee for enabling authenticating of the callee identity as taught by Timonen. The motivation for the modification is to do so in order to provide the identity of the authenticated party.

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5. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) in view of Baker (U.S. Patent No. 5,533,109).

Gallick, as applied to claims 1, 12 and 23 above, differs from claims 9 and 20, in that Gallick does not explicitly disclose "said destination device is a private exchange network". Baker teaches that the calling party device is a PBX unit (fig.1, fig.2; col.2, lines 26-55; 'calling party device' reads on the claim 'destination device' and 'PBX unit' reads on the claim 'private exchange network'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow the destination device as a private exchange network as taught by Baker. The motivation for the modification is to have the private exchange network in order to provide the multiple users as the calling party.

#### **(10) Response to Argument**

Ia: On pages 6-14 of the Appeal Brief, regarding claims 1,4,5,7,8,10-12,15,16,18,19,21-23,26,27,29,30, and 35-39, the Appellant contends that Gallick does not disclose "A method for identifying a particular callee, said method comprising: detecting, at a destination device, a voice utterance of a callee; and identifying, at said destination device, a callee identity associated with said voice utterance, such that said callee identity is transmittable as an authenticated identity of said callee for a call". Examiner respectfully disagrees with this argument for the following reasons.

Examiner believes that Gallick teaches identifying, at the destination device (VoIP 141), a callee identity associated with the voice utterance. Gallick discloses that the first utterance [i.e., voice utterance] of the answering party [i.e., callee] is captured by local personal computer (item 141, fig.1). The local voice identification recognizer located on the local personal computer identifies the answering party identity after identifying the answering party's utterance (col.6, lines 6-14). This local personal computer is the answering party's terminal because the local personal computer is located at the answering/called facility. Therefore the local personal computer reads on the claimed "**destination device**".

Examiner also believes that the answering party [i.e., callee] identity is transmittable in Gallick as an authenticated identity of the answering party [i.e., callee] for a call. After identifying the answering party, a message identifying the answering party is formatted (col.6, lines 14-17). Therefore, the formatted message reads on the claimed "authenticated identity of the callee" for a call. It is because, the formatted message contains the authenticated identity of the answering party. The formatted message is then transmitted to the caller via HTTP (Gallick, col.6, lines 17-18).

Therefore, it is clear that Gallick teaches identifying, at the "destination device", a callee identity associated with the voice utterance, such that the callee identity is transmittable as an authenticated identity of said callee for a call.

**Ib:** On pages 8-9, 14 of the Appeal Brief, the Appellant contends that Gallick does not disclose “A method for identifying a particular callee, said method comprising: detecting a biometric input at a biometric enabled destination device; identifying a callee identity associated with said biometric input at said destination device, such that said callee identity is transmittable as an authenticated identity of said callee for a call”. Examiner respectfully disagrees with this argument for the following reasons.

The original specification of the applicant discloses “voice input” can be the “biometric input” (see page 9, lines 7-9 of the specification) and the original and pending claim 36 recites “voice input” is one form of “biometric input”. Gallick discloses on col.6, lines 6-14 that the first utterance [i.e., biometric input] of the answering party [i.e., callee] is captured by local personal computer (item 141, fig.1). This local personal computer is the answering party’s terminal because the local personal computer is located at the answering/called facility. Therefore the local personal computer reads on the claimed **biometric enabled destination device**. Therefore, it is clear that Gallick teaches detecting a biometric input at a biometric enabled destination device.

Thus the rejection of the claims in view of Gallick is proper.

**II:** On pages 16-18 of the Appeal Brief, regarding claims 2,13, and 24, the Appellant further contends that Bartholomew discloses using an intermediary intelligent peripheral (‘IP’)—not a “destination device”. Examiner respectfully disagrees with this argument. The

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Appellant did not claim the actual physical location of destination device. The intelligent peripheral of Bartholomew reads on the claimed “destination device”. It is because, intelligent peripheral is prompting answering party [i.e., callee] for the voice input (col.39, lines 34-43, col.43, lines 36-43, 65-67, col.44, lines 1-2).

On page 16 of the Appeal Brief, the Appellant further contends that “The combination of Gallick and Bartholomew cannot establish a prima facie case of obviousness because the proposed combination does not teach each and every element of claims 2, 13, and 24, there is no suggestion or motivation to make the proposed combination”. The examiner respectfully disagrees with this argument. Gallick provides the suggestion that the interaction between the answering party [i.e., callee] and the local computer [i.e., destination device] is for receiving the answering party’s utterance (col.6, lines 6-13).

**III:** On pages 18-20 of the Appeal Brief, regarding claims 3, 14, and 25, the Appellant further contends that McAllister discloses using an intermediary intelligent peripheral (‘IP’)—not a destination device. However, this argument is **not** relevant because, Examiner relied upon McAllister for the teaching of prompting the callee to enter one or more repeat attempts [i.e., an additional input] to verify the callee identity (see col.34, lines 51-56):

On page 18 of the Appeal Brief, the Appellant further contends that “The combination of Gallick and McAllister cannot establish a prima facie case of obviousness because the proposed combination does not teach each and every element of claims 3, 14, and 25, there is no

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suggestion or motivation to make the proposed combination". The examiner respectfully disagrees with this argument. Gallick provides the suggestion that the interaction between the answering party [i.e., callee] and the local computer [i.e., destination device] is for receiving the answering party's utterance (col.6, lines 6-13).

Thus the rejection of the claims in view of Gallick and McAllister is proper.

IV: On page 21 of the Appeal Brief, regarding claims 6, 17, and 28, the Appellant further contends that a destination device is not even mentioned in the cited sections of Timonen. However, this argument is **not** relevant because, Examiner relied upon Timonen for the teaching of requesting an identification data [i.e., voice sample] for the particular callee from a third party device accessible via a network (see fig.3; page 6, paragraphs 0055, 0056).

On page 22 of the Appeal Brief, the Appellant further contends that "There is no suggestion to combine the encrypted message of Timonen with the voice identification recognizer of Gallick". However, this argument is **not** relevant because, Examiner relied upon Timonen for the teaching of requesting an identification data [i.e., voice sample] for the particular callee from a third party device accessible via a network (see fig.3; page 6, paragraphs 0055, 0056). The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071,

5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation for the modification is to provide the identity of the authenticated party.

Thus the rejection of the claims in view of Gallick and Timonen is proper.

V: On pages 22-25 of the Appeal Brief, regarding claims 9, and 20, the Appellant further contends that Baker also does not even address authentication. However, this argument is **not** relevant because, Examiner relied upon Baker for the teaching of “private exchange network” (see fig.1, fig.2; col.2, lines 26-55).

On page 18 of the Appeal Brief, the Appellant further contends that “The combination of Gallick and Baker also cannot establish a prima facie case of obviousness because the proposed combination does not teach each and every element of claims 9 and 20, there is no suggestion or motivation to make the proposed combination”. The examiner respectfully disagrees with this argument. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation for the modification is to provide the multiple users as the calling party.



Thus the rejection of the claims in view of Gallick and Baker should be sustained.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

*Md. Shafiul Alam Elahee*

Md Shafiul Alam Elahee

Examiner

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